

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JONATHAN BERALL, M.D., M.P.H.,

Plaintiff,

v.

VERATHON INC., PENTAX OF AMERICA, INC.,  
KARL STORZ ENDOSCOPY-AMERICA, INC.,  
AIRCRAFT MEDICAL, LTD., LMA NORTH AMERICA,  
INC., AND AIRTRAQ LLC,

Defendants.  
-----X

:  
: Civ. No. 10-cv-05777  
: (BSJ)(DCF)

:  
: DEFENDANT'S MOTION TO  
: ADMIT RICHARD D. KELLY  
: PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District  
Courts for the Southern and Eastern Districts of New York, I, Michael H. Gibson, a member in  
good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac*  
*vice* as counsel for defendant Pentax of America, Inc. of:

Applicant's Name: Richard D. Kelly  
State Bar No.: Virginia State Bar No. 15024  
Date of Admission: 1975  
Firm Name: Oblon Spivak  
Address: 1940 Duke Street  
City/State/Zip: Alexandria, VA 22314  
Telephone: (703) 412-6241  
Fax No.: (703) 413-2220  
Email Address: rkelly@oblon.com

Richard D. Kelly is a member in good standing of the bar of the Supreme Court of  
Virginia since 1975.

There is no pending disciplinary proceeding against Richard D. Kelly in any state or  
federal court.

S.D. OF N.Y.

2010 OCT 26 AM 9:29

FILED  
U.S. DISTRICT COURT

Dated: New York, New York  
October 22, 2010

Respectfully submitted,

SATTERLEE STEPHENS BURKE & BURKE LLP

By: 

James F. Rittinger (JR-0556)

Michael H. Gibson (MG-2952)

Attorneys for Defendant Pentax of America, Inc.

230 Park Avenue

New York, NY 10169

Tel.: (212) 818-9200 / Fax: (212) 818-9606

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(BSJ)(DCF)

: AFFIDAVIT OF  
: MICHAEL H. GIBSON

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

MICHAEL H. GIBSON, being duly sworn, deposes and says:

1. I am an attorney admitted to practice before this Court. I am an associate in the law firm of Satterlee Stephens Burke & Burke LLP, local counsel for defendant Pentax of America, Inc. ("Pentax").

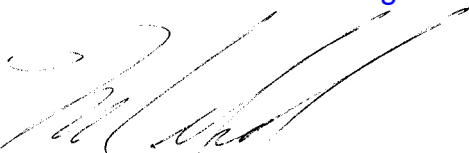
2. I submit this affidavit in support of Pentax's motion to admit Richard D. Kelly *pro hac vice* to represent Pentax in this matter.

3. I am a member in good standing of the Bar of the State of New York, and was admitted to practice in July 2005. I am also admitted to the Bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

4. Richard D. Kelly is a partner in the law firm of Oblon Spivak, lead counsel for Pentax, located in Alexandria, Virginia.

5. I have found Richard D. Kelly to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move for the *pro hac vice* admission of Richard D. Kelly as counsel for Pentax in this matter. A proposed order is respectfully annexed hereto.

  
\_\_\_\_\_  
MICHAEL H. GIBSON (MG-2952)

Sworn to before me this  
22 day of October, 2010

Doreen Classi  
Notary Public

**DOREEN CLASSI**  
**Notary Public, State of New York**  
**No. 01CL4669322**  
**Qualified in Nassau County**  
**Commission Expires Sept. 30, 20** 14

# Supreme Court of Virginia

AT RICHMOND

## Certificate

I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia,  
do hereby certify that

RICHARD DAVID KELLY

was admitted to practice as an attorney and counsellor at the bar of this Court on  
October 9, 1975.

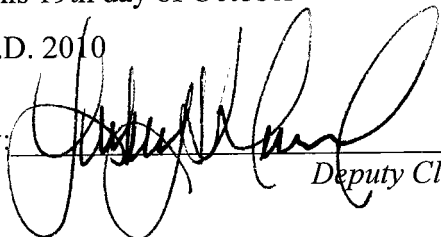
I further certify that so far as the records of this office are  
concerned, RICHARD DAVID KELLY is a member of the bar of this Court  
in good standing.

~~Witness~~ my hand and seal of said Court

This 19th day of October

A.D. 2010

By:

  
Deputy Clerk

UNITED STATES DISTRICT COURT

Eastern

DISTRICT OF

Virginia

**CERTIFICATE OF  
GOOD STANDING**

I, Fernando Galindo, Clerk of this Court,

certify that Richard D. Kelly, Bar # 15024,

*was duly admitted to practice in this Court on*

3/3/1981, and is in good standing  
*DATE*

*as a member of the Bar of this Court.*

*Dated at* Alexandria, VA *on* 10/15/2010  
*LOCATION DATE*

**FERNANDO GALINDO, CLERK**

CLERK

*RP Baner*

DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN BERALL, M.D., M.P.H.,

Plaintiff,

v.

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KARL STORZ ENDOSCOPY-AMERICA, INC.,  
AIRCRAFT MEDICAL, LTD., LMA NORTH AMERICA,  
INC., AND AIRTRAQ LLC,

Defendants.

Civ. No. 10-cv-05777

(BSJ)(DCF)

ORDER ADMITTING

RICHARD D. KELLY

PRO HAC VICE

UPON THE MOTION of Satterlee Stephens Burke & Burke LLP, by Michael H.

Gibson, attorneys for defendant Pentax of America, Inc.

IT IS HEREBY ORDERED that

Applicant's Name: Richard D. Kelly  
State Bar No.: Virginia State Bar No. 15024  
Date of Admission: 1975  
Firm Name: Oblon Spivak  
Address: 1940 Duke Street  
City/State/Zip: Alexandria, VA 22314  
Telephone: (703) 412-6241  
Fax No.: (703) 413-2220  
Email Address: [rkelly@oblon.com](mailto:rkelly@oblon.com)

is admitted to practice *pro hac vice* as a lead counsel to defendant Pentax of America, Inc. in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, New York  
October \_\_\_\_, 2010

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United States District Judge

**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

The undersigned, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age and reside at 218 Eagle Street, Brooklyn, NY 11222.

2. That on October 25, 2010 deponent served a true copy of the annexed **Defendant's Motion to Admit James J. Kulbaski Pro Hac Vice, Defendant's Motion to Admit Richard D. Kelly Pro Hac Vice, Defendant's Motion to Admit Andrew M. Ollis Pro Hac Vice and Defendant's Motion to Admit Thomas J. Fisher Pro Hac Vice** upon:

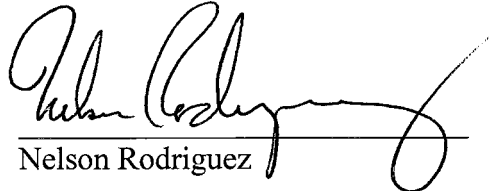
David A. Loewenstein, Esq.  
Pearl Cohen Zedek & Latzer, LLP  
1500 Broadway, 12th Floor  
New York, New York 10036

Joel B. Ard, Esq.  
Black, Lowe & Graham PLLC  
701 5th Avenue, Suite 4800  
Seattle, WA 98104

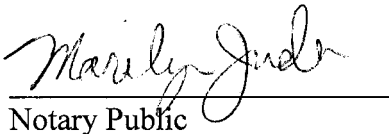
Richard C. Pettus, Esq.  
King & Spalding LLP  
1185 Avenue of the Americas  
New York, New York 10036

Richard J. Basile, Esq.  
Stetler & Duffy, Ltd.  
11 S. Lasalle Street, Suite 1200  
Chicago, IL 60603

the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same, enclosed in a post-paid properly addressed sealed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Nelson Rodriguez

Sworn to before me this  
25<sup>th</sup> day of October, 2010

  
Notary Public

MARILYN JUDA  
Notary Public, State of New York  
No. 01JU4759632  
Qualified in Queens County  
Commission Expires June 30, 2014